

REMARKS

It is believed that this Amendment, in conjunction with the following remarks, place the application in immediate condition for allowance. Accordingly, entry of this Amendment and favorable consideration of the application are respectfully requested. Claims 1, 2 and 6-26 are pending in the application.

Interview

At the outset, Applicant's representative thanks the Examiner for the courtesies extended during the interview conducted on June 10, 2002. As discussed during the interview Applicants have amended claim 6 to explicitly recite the relationship between the sync blocks and transport packets. However, Applicants believe this feature was at least inherent in the previous claim language and therefore does not narrow the scope of the claimed subject matter. Further as discussed during the interview, Lane et al. is completely silent on the relationship between the sync blocks and transport packets, which provides an additional reason for allowance of Applicant's claimed combinations in addition to the arguments provided below.

Election/Restriction

The Examiner has withdrawn claims 23-26 as being allegedly drawn to a non-elected embodiment. Applicants respectfully traverse this withdrawal of claims 23-26. Claims 23-26 depend from previously elected claim 6 and are not drawn to non-elected

embodiments. Applicants respectfully request that the Examiner reconsider his withdrawal of these claims. However, Applicants note with appreciation that the Examiner will at least rejoin these claims upon allowance of claim 6.

35 U.S.C. § 102 & 103 Rejections

Claims 6-8 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lane et al. (U.S. Patent No. 6,141,486). Claims 19-22 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Lane et al. in view of Shimoda (U.S. Patent No. 5,440,345). Applicants respectfully traverse these rejections for at least the following reasons.

Reply to Response to Arguments

Since the Examiner has maintained the prior rejections and has provided arguments in support of this position, Applicants will address the Examiner's response first.

The Examiner has mischaracterized Applicants' previous arguments as stating that the Lane et al. reference includes additional structure. However, contrary to this characterization Applicants arguments were directed to the absence of claimed features in the Lane et al. reference.

For example, as previously noted, the Examiner has characterized block 1608 of Lane as "a division number setting means responsive to a bit stream input." However,

block 1608 of Lane et al. does not perform such a function. In contrast to the Examiner's allegation, the Lane et al. patent discloses the function of block 1608 in column 58, lines 45 to 60 as follows.

In this manner, the end of track signal is supplied to the switch 1609 which temporally closes to pass the total track error number stored in the register to the average error calculation block 1608. The average error calculation block 1608 receives the total track error number output by the register 1606 when the heads 440 complete a pass over the width of the tape and divide the total track error number by the number of sync blocks passed over by the heads during their pass over the tape which was responsible for the generation of the total track error number.

For example, if after passing over 135 sync blocks during a head pass over the tape, the track error number was 270, the number 270 would be divided by 135 to generate the number 2 which represents how far, in terms of the number of tracks, the heads 440 are from the trick play track for the speed and direction of VTR operation selected by the user.

Although block 1608 performs a division, as noted above, it is clearly related to the average error of the head position. Therefore, block 1608 does not teach a division number setting means responsive to a bit stream input as alleged by the Examiner.

Instead, block 1608 is used to determine the appropriate error correction for the head position in terms of the number of tracks for the heads as is explicitly taught by the Lane et al. patent.

The Examiner has equated the above argument to stating that there are additional functions disclosed in Lane et al. However, Applicants clearly are stating that the claimed feature, "division number setting means, responsive to a bit stream input, for setting the division number N into sync blocks that form the recording format, wherein N is an integer", is not disclosed by the Lane et al. reference. As stated in MPEP § 2143.01, "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). It is clear that the Examiner is only considering the term "division" in alleging that Lane et al. discloses Applicants' claimed combinations, which is inappropriate.

Similarly, the Examiner has mischaracterized the playback filter 406. As noted in column 41, lines 33 - 46, Lane et al. describe the playback filter 406 as follows:

The playback packet filter 406 reads this data from the retrieved data stream and generates a signal to the trick play servo control circuit 422 indicating to the trick play servo control circuit 422 where the heads are located over the tape relative to the normal play and fast scan tracks. This information is then used to finely adjust the tape speed to optimize fast scan tracking. For example, if the identifying data indicated that the head was switching tracks too early and reading packets from the normal play segment preceding a trick play segment, then the tape speed which is controlled by the trick play servo control circuit 422, during trick play operation, could be adjusted by briefly slowing the tape speed to correctly position the head 440 over the selected fast scan track.

As stated above, block 406 is merely a packet filter that filters for the desired data packets and uses this information to control the servo circuit to position the heads. There is no suggestion in the Lane et al. patent to use packet filter 406 to reduce the data amount of the extracted encoded data to a data amount which can be recorded in K sync blocks (K being an integer) in a predetermined format as claimed in Applicants' claimed combinations.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections based on Lane et al.

Rejections under 35 U.S.C. § 102 and 103

Since the Examiner has maintained his rejection of claims 6-8 and 19-22 under 35 U.S.C. § 102 and 103 as noted above, Applicants once again traverse these rejections. Applicants expressly maintain the reasons from the prior responses to clearly indicate on the record that Applicants have not conceded any of their previous positions relative the maintained rejections. For brevity, Applicants expressly incorporate the prior arguments presented in the March 11, 2002 response without a literal rendition of those arguments in this response.

SUMMARY

For at least the foregoing reasons and the reasons set forth in Applicant's response of March 11, 2002, it is respectfully submitted that claims 6 and 7 are distinguishable over the applied art. The remaining dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark E. Olds, Reg. No. 46,570, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this response.

Appln. No. 09/541,088
Docket No. 1190-0456P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claim 6 has been amended as follows:

6. (Three Times Amended) A digital VTR for magnetically recording and replaying a digitally transmitted bit stream in a predetermined recording format, comprising:

division number setting means, responsive to a bit stream input, for setting the division number N so that N [into] sync blocks [that] form the recording format, wherein N is an integer;

the bit stream including a predetermined number M of transport packets as a unit, wherein M is an integer and wherein the sync blocks are related to the transport packets such that N is not equal to M;

header appending means for appending, to data of the bit stream before the division, a header indicating the transport packet; and

format forming means for forming N consecutive sync blocks from the data after the division of the bit stream.